IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

RP.No. 29 of 2007(N)

AGAINST THE JUDGEMENT IN WPC.32269/2004 Dated 30/06/2006
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REVIEW PETITIONER:

B. HARIKUMAR, T.C.NO.30/338,
MADHUMUKKU, KGRA 71,
TRIVANDRUM-29.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVANAM, TRIVANDRUM.

2. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
PATTOM, TRIVANDRUM.

BY ADV. SRI.JOSE J.MATHAIKEL, SC FOR KSEB.
ADV.SRI.P.C.SASIDHARAN, SC., PSC.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

R.P.No.29 of 2007 in W.P.(C).No.32269 of 2004

Dated this the 8th day of February, 2007.

JUDGMENT

The review petitioner is the first petitioner in the judgment under review. The writ petition was disposed of in the following manner.

> " The civil wing of K.S.E.B. will have work, only, if new projects are taken up and if those works are finished or abandoned, there will be idling of staff. Further, the K.S.E.B. asserts that, at present, no vacancies are available for direct recruitment to the post of Assistant Engineer (Civil). In such a situation, this Court cannot compel the Board to recruit additional candidates and pay public money for them by way of salary, without any corresponding benefit to the Board. Though the petitioners have attempted to contend that there are additional vacancies and that could be filled up by direct recruitment, I find no reason to disbelieve the statement of the K.S.E.B. that at present no vacancies are available."

The petitioner submits, the above submission made on behalf of the K.S.E.B is not correct as evident from Annexures-A3 and A4. Therefore, he prays for review of the judgment. Annexure-A3 is a communication addressed by the Chairman of the K.S.E.B. to the

Chief of Generaton. This would show that the K.S.E.B. is proposing to take certain additional projects and the Chief Engineer has been directed to submit proposals for additional posts, if any, required for execution of the projects. It is followed by Annexure-A4 communication dated 5-8-2006. Annexures-A3 and A4 dated 9-9-2006 and 5-8-2006 respectively cannot be pressed into service to claim appointment from a list expired on 18-9-2004. The judgment could be reviewed, if only it is shown that the additional vacancies were available as on the date of expiry of the rank list published by the P.S.C. The proposal to undertake additional projects which may result in creation of additional posts after the lapse of 2 years of the expiry of the list is not a ground to review the judgment. The change in policy does not warrant the filling up of vacancies which by a conscience decision the Board decided not to fill up.

In the result, the Review Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS